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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ANTHONY MICHAEL MILANO,

Case No. 3:16-cv-00414-MMD-VPC

Plaintiff,

ORDER

v.

JOHN DOE,

Defendant.

I. DISCUSSION

On April 18, 2018, the Court entered a screening order on the first amended complaint and permitted Plaintiff's due process-medical violations claim to proceed against Defendant John Doe when Plaintiff learned his identity. (ECF No. 9 at 5). The Court ordered that non-defendant Las Vegas Metropolitan Police Department ("LVMPD") enter a limited notice of appearance for the purpose of responding to the discovery discussed in the screening order. (*Id.*) The Court's order initiated the service process through the U.S. Marshal's Office and directed Plaintiff to furnish the required USM-285 form with the relevant information as to LVMPD to the U.S. Marshal. (*Id.* at 5-6).

On June 8, 2018, the Clerk's Office filed a document which stated that the U.S. Marshal's Office was unable to execute the summons because the "person [was] unknown." (ECF No. 11 at 3). The Court notes that Plaintiff filled out the USM-285 form for John Doe defendant instead of non-defendant LVMPD as directed by the Court. (ECF No. 11 at 1).

1 Plaintiff now files a motion for service. (ECF No. 12). Plaintiff notes that the U.S.
2 Marshal returned the USM-285 form because of improper information for the person being
3 served, i.e. John Doe. (*Id.* at 1). Plaintiff asserts that he does not know what to do. (*Id.*)

4 The Court grants the motion for service (ECF No. 12) in part. The Court will have
5 the Clerk's Office reissue the USM-285 form to Plaintiff. Plaintiff should note that he
6 needs to fill out the USM-285 form for non-defendant LVMPD.¹ Plaintiff needs to serve
7 the LVMPD not John Doe. Pursuant to the screening order, after the U.S. Marshal serves
8 LVMPD, LVMPD will need to identify the name of John Doe physician assistant. If Plaintiff
9 is unclear about this procedure, he should review the screening order.

10 II. CONCLUSION

11 For the foregoing reasons, it is ordered that the motion for service (ECF No. 12) is
12 granted in part.

13 It is further ordered that the Clerk of Court will issue a summons for non-defendant
14 Las Vegas Metropolitan Police Department ("LVMPD")², and deliver the same, to the U.S.
15 Marshal for service. The Clerk will send to Plaintiff one (1) USM-285 form. The Clerk also
16 will send a copy of the first amended complaint (ECF No. 4), a copy of the screening order
17 (ECF No. 9), and a copy of this order to the U.S. Marshal for service on the non-defendant.
18 Plaintiff will have thirty (30) days within which to furnish to the U.S. Marshal the required
19 USM-285 form with relevant information as to LVMPD on the form. Within twenty (20)
20 days after receiving from the U.S. Marshal a copy of the USM-285 form showing whether
21 service has been accomplished, Plaintiff must file a notice with the Court identifying
22 whether LVMPD was served. If Plaintiff wishes to have service again attempted on
23 LVMPD, then a motion must be filed with the Court specifying a more detailed name
24 and/or address for LVMPD, or whether some other manner of service should be

25
26 ¹ Plaintiff needs to provide the address to serve LVMPD and should not attempt to
27 put any information about a John Doe on the USM-285 form. The U.S. Marshal cannot
28 serve a John Doe. This is why the Court directed Plaintiff to fill out the appropriate forms
to serve non-defendant LVMPD.

² The screening order directs non-defendant LVMPD to make a limited notice of
appearance for the purpose of responding to discovery.

1 attempted.

2 It is further ordered that LVMPD will enter a limited notice of appearance within
3 sixty (60) days from the date of this order for the limited purpose of conducting limited
4 pre-service discovery in an effort to ascertain the true identity of John Doe.

5 It is further ordered that, within fifteen (15) days from entering a limited notice of
6 appearance, LVMPD will file a notice identifying the name of the John Doe physician's
7 assistant who attended to Plaintiff's medical needs on June 10, 2015, and June 16, 2015,
8 at the CCDC, as discussed in the screening order (ECF No. 9).

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10 DATED THIS 9th day of July 2018.

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12 UNITED STATES MAGISTRATE JUDGE
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